

20/60/TO
1991 U.S. PTO

01-14-02

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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

NEW UTILITY PATENT APPLICATION TRANSMITTAL

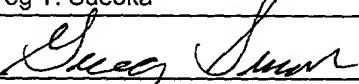
(only for new nonprovisional applications under

37 CFR 1.53(b))

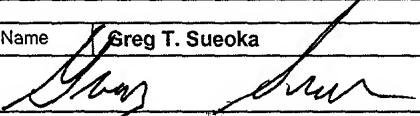
Attorney Docket Number	20412-06488
First Named Inventor	John W. Barrus et al.
Title	System and Method for Audio Creation and Editing in a Multimedia Messaging Environment
Express Mail Label No.	EL566205666US

J1050 US PTO 10/04/02
10/04/02 01/09/02

APPLICATION ELEMENTS		ACCOMPANYING APPLICATION PARTS		
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))			
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	8. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)			
3. <input checked="" type="checkbox"/> Specification (preferred arrangement set forth below) ■ Descriptive Title of the Invention ■ Cross Reference(s) to Related Case(s) ■ Statement Regarding Fed sponsored R & D ■ Background of the Invention ■ Brief Summary of the Invention ■ Brief Description of the Drawing(s) ■ Detailed Description ■ Claim or Claims ■ Abstract of the Disclosure	Total Pages <input type="text" value="60"/>	9. <input type="checkbox"/> Power of Attorney or Authorization of Agent		
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113)	Total Sheets <input type="text" value="32"/>	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement		
5. Oath or Declaration a. <input checked="" type="checkbox"/> New Declaration (unsigned) <input type="checkbox"/> Executed (original or copy)	Total Pages <input type="text" value="3"/>	11. <input type="checkbox"/> Preliminary Amendment		
b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s)			
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent			
18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:		14. <input checked="" type="checkbox"/> Return Postcard		
<input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input checked="" type="checkbox"/> Continuation-in-part (CIP) of prior application No: <u>09/407,010</u>		15. <input checked="" type="checkbox"/> Petition to Accept Color Drawings Under 37 CFR § 1.84(a)(2)		
Prior application information: Examiner: _____ Group/Art Unit: _____				
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.				
19. CORRESPONDENCE ADDRESS				
 <input checked="" type="checkbox"/> Customer Number and Bar Code Label 00758				

Name (Print/Type)	Greg T. Sueoka	Registration No. (Attorney/Agent)	33,800
Signature		Date	1/9/02

0002/PTO(modified) Rev. 10/2001	U.S. Department of Commerce Patent and Trademark Office	Complete if Known	
FEET TRANSMITTAL		Application Number	Unassigned
		Filing Date	Unassigned
		First Named Inventor	John W. Barrus et al.
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
TOTAL AMOUNT OF PAYMENT			
Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$2268)		Attorney Docket Number	20412-06488

METHOD OF PAYMENT		FEET CALCULATION (continued)																						
1. The Commissioner is hereby authorized to:		3. ADDITIONAL FEES																						
<input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. [†] <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		Large Entity	Small Entity																					
		Fee Code/Fee	Fee Code/Fee	Fee Description																				
		105/\$130	205/\$65	Surcharge - late filing fee or oath																				
		127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet																				
		147/\$2,520	147/\$2,520	For filing a request for reexamination																				
		115/\$110	215/\$55	Extension for response within first month [†]																				
		116/\$400	216/\$200	Extension for response within second month [†]																				
		117/\$920	217/\$460	Extension for response within third month [†]																				
		118/\$1,440	218/\$720	Extension for response within fourth month [†]																				
		128/\$1,960	228/\$980	Extension for response within fifth month [†]																				
		119/\$320	219/\$160	Notice of Appeal																				
		141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application																				
2. <input checked="" type="checkbox"/> Payment Enclosed:		142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)																				
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other		143/\$460	243/\$230	Design Issue Fee																				
		122/\$130	122/\$130	Petitions to the Commissioner																				
		126/\$180	126/\$180	Submission of Information Disclosure Statement																				
		179/\$740	279/\$370	Request for Continued Examination (RCE)																				
		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)																				
		146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))																				
2. CLAIMS		149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))																				
		Other fee (specify):		Petition to Accept Color Drawings under 37 CFR §1.84(a)(2) 130.																				
		Other fee (specify):																						
		SUBTOTAL (3) (\$130)																						
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">(Col. 1)</th> <th style="text-align: center;">(Col. 2)</th> <th style="text-align: center;">(Col. 3)</th> <th></th> <th></th> </tr> <tr> <th style="text-align: center;">For</th> <th style="text-align: center;">No. of Existing Claims</th> <th style="text-align: center;">Highest No. Previously Paid For</th> <th style="text-align: center;">Extra**</th> <th style="text-align: center;">Fee</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">TOTAL</td> <td style="text-align: center;">65</td> <td style="text-align: center;">minus* 20 or 0</td> <td style="text-align: center;">= 45</td> <td style="text-align: center;">x 18 = 810</td> </tr> <tr> <td style="text-align: center;">INDEP</td> <td style="text-align: center;">10</td> <td style="text-align: center;">minus* 3 or 0</td> <td style="text-align: center;">= 7</td> <td style="text-align: center;">x 84 = 588</td> </tr> </tbody> </table>			(Col. 1)	(Col. 2)	(Col. 3)			For	No. of Existing Claims	Highest No. Previously Paid For	Extra**	Fee	TOTAL	65	minus* 20 or 0	= 45	x 18 = 810	INDEP	10	minus* 3 or 0	= 7	x 84 = 588
(Col. 1)	(Col. 2)	(Col. 3)																						
For	No. of Existing Claims	Highest No. Previously Paid For	Extra**	Fee																				
TOTAL	65	minus* 20 or 0	= 45	x 18 = 810																				
INDEP	10	minus* 3 or 0	= 7	x 84 = 588																				
		[] First presentation of multiple dependent claim																						
		SUBTOTAL (2) (\$1398)																						
		* Subtract the greater number of Col. 2 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3																						
SUBMITTED BY		Complete (if applicable)																						
Typed or Printed Name Greg T. Sueoka		Reg. Number 33.800																						
Signature			Date	1/19/02																				

[†]Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

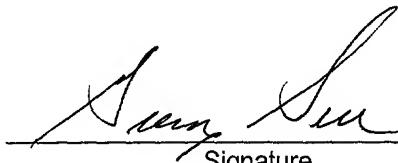
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	John W. Barrus et al.
	Title	System and Method for Audio Creation and Editing in a Multimedia Messaging Environment
	Atty Docket Number	20412-06488

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

1/9/02

Date



Signature

Greg T. Sueoka, 33,800

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANTS: John W. Barrus et al.

APPLICATION NO.: not yet known

FILING DATE: January 9, 2002

TITLE: System and Method for Audio Creation and Editing in a Multimedia Messaging Environment

EXAMINER: not yet known

GROUP ART UNIT: not yet known

ATTY. DKT. NO.: 20412-06488

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Patent Application, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: 1/9/02

By: 
Greg T. Sueoka

BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

**PETITION TO ACCEPT COLOR DRAWINGS
UNDER 37 CFR §1.84(a)(2)**

SIR:

Applicants hereby petition the United States Patent and Trademark Office to accept color drawings (Figures 1A, 4A, 4B, 4C, 5A, 5B, 5C, 6A, 6B, 6C, 7A, 7B, 8A, 8B, 8C, 15A, 15B, 15C, 15D, 16A, 16B) in the enclosed utility application. Applicants respectfully submit that the use of color drawings is necessary to a complete understanding of the invention, because the color drawings represent computer screen shots seen by an agent using the invention, the computer screen shots actually seen by the agent are in color, and color is necessary to distinguish among the many different items that are displayed on the computer screen.

01/17/2002 EHAILE1 00000039 10043443

04 FC:122

130.00 0P

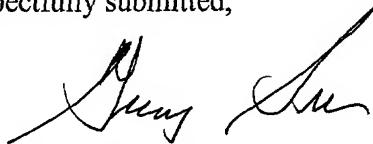
20412/06488/DOCS/1236168.1

PATENT

Enclosed herewith are:

- 1) The \$130.00 fee set forth in 37 CFR §1.17(h).
- 2) Three sets of the drawings (Figures 1A, 4A, 4B, 4C, 5A, 5B, 5C, 6A, 6B, 6C, 7A, 7B, 8A, 8B, 8C, 15A, 15B, 15C, 15D, 16A, 16B) that are in color.
- 3) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawings.
- 4) The specification as originally filed contains the language: "The file of this patent or application contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the USPTO upon request and payment of the necessary fee".

Respectfully submitted,



Greg T. Sueoka, Reg. No. 33,800
Attorney for Applicants
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (650) 858-7142

Date 1/9/02